# FOR MYSORE STATE

BE-27—05,000 31 10 50.

Development (1953) Department.

Ms SERIES.

G.O. NO. 2020

Dated 1st May 1953

[Despatch Abstract.]

Mines - Quarrying for Govt or bonafide public purposes. - Collection of Seigniorage fee - clarification

GOVERNMENT OF MADRAS
ABSTRACT

MINES - Quarrying for Government or bonafide public purposes - Collection of seigniorage fee - Clarification.

Development Department

G.O.MS.No.2020 Dated 1st May 1953.

Read the following:--

Read: From the Collector of Malabar, A/24733/52, dated 11--1--1953.
From the Director of Industries and Commerce, No.J2/317/53, dated 20-2-1953.

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ORDER:

The Collector of Malabar has reported that a road contractor in Chirakkal Taluk quarried granite metal from a ryotwari land for Government and District Board Works, that the contractor got the permission of the then occupant of the land and paid him Rs.17/- as compensation but did not inform the fact to the Registered holder of the land, that neither the Registered holder nor the occupant nor the contractor gave previous notice to the Tahsildar, that the Tahsildar charged seigniorage fee for the metal quarried and that the contractor has appealed to the Collector against the order of the Tahsildar requesting for exemption from payment of seigniorage fee as the metal was quarried for bonafide Government purposes. In that connection, the Collector of Malabar has requested instructions on the following points with regard to the rules in Section II, Chapter V of the Madras Mining Manual.

(1) Whether Rule 6(2)(b) totally excludes cases coming under proviso to Rule 6(2)(a). In other words, is no previous notice necessary in cases of quarrying for bonafide Government or public purpose;

(2) Whether the obligation to give notice under Rule 6(2)-(b)rests only on the registered holder and not on occupant tenant or contractor and

(3) if the registered holder alone is responsible for giving the previous notice, whether enhanced seiniorage fee may be collected from the contractor for the reason that the former has given no notice to the competent authority.

The points raised above are clarified below.

Point (i)- Although the proviso occurs immediately after clause(a) of sub-rule (2) of rules 6, it lays down that "this sub-rule"shall not apply to quarrying for government or bonafide public purposes. The expression "sub-rule" occurring in the proviso will include not only Clause (a) of the sub-rule, but Clause (b) as well. In this view, neither the requirement contained in clause (a) (relating to the payment of seigniorage fees or acreage assessment) nor the requirement in clause (b) ( relating to giving of previous notice) will apply to quarrying for Government or bonafide public purposes.

Point (2):- Under rule 6(2) (b), as it now stands, the obligation to give notice rests on the registered holder alone and no other person is obliged to give notice.

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Point (3):- Rule 6(2)(d) provides that whenever quarrying operations are done without giving notice as required by clause(b) the registered holder and the persons (the tenant and the lessee) in actual possession of the land will be jointly and severally liable to pay enhanced seigniorage fees or acreage assessment. If the Contractor is neither the registered holder nor the person (tenant or lessee) in ~~f~~ occupation of the land, he will not be liable to pay enhanced seigniorage fees or acreage assessment under rule 6(2)(d). The Collector is therefore informed that collection of seigniorage fees from the contractor in the case in question is not in order and that the Tahsildar of Chirakkal may be instructed to refund the seigniorage fees if it has already been collected.

The attention of the Director of Industries and Commerce is invited to the Board's Proceedings Mis.684, dated 8-6-1951 and Memorandum No.2509 J/50-12, dated 23-2-1953 and he is requested to submit necessary proposals to make the provisions of rule 6 in Section II, Chapter V of the Mining Manual clearer, so that the registered holder or the occupant or the contractor shall give previous notice to the Collector even in cases of quarrying for bonafide Government or public purposes.

(BY ORDER OF THE GOVERNOR)

S.ARUL DOSS,
Deputy Secretary to Government

To the Collector of Malabar.
To the Director of Industries and Commerce.
Copy to all other Collectors.
Copy to Andhra Government.
Copy to Mysore Government.

Forwarded/By Order.

K Ramakrishnan

SUPERINTENDENT

PTL/5.4.